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10/572,717	04/19/2007	Martin Paul Moshal	06-201	4621

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EXAMINER	
LEICHLITER, CHASE E	

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/572,717	MOSHAL, MARTIN PAUL	
	Examiner	Art Unit	
	CHASE LEICHLITER	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 July 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *43-69* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *43-69* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 43-53, 55-65, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heaton et al. (US 2003/0109310) in view of Amada (US 2006/0019736).

Regarding claims 43 and 56, Heaton teaches a menu system comprising:

- A computer workstation that stores a computer executable program (Para. 33, lines 1-5);
- A display (Para. 33, lines 9-11);

- Display game data corresponding to a number of available casino games playable by a player at an online casino, the number of available casino games being categorized into a plurality of different selectable game categories characterized in that the display device displays to the player (Fig. 2, Para. 41);
- An identity of each one of the plurality of different game categories (Fig. 2, Para. 41);
- Multiple games are categorized into the selected one of the plurality of different game categories (Fig. 3, Para. 45, lines 3-8);
- And additional game attributes of any selected one of the games in the selected game category (Fig. 3, Para. 57).

But fails to teach at least one attribute of each game ***in a selected one*** of the plurality of different game categories.

However, Amada teaches a similar online gaming menu system as Heaton using lottery games. Amada teaches, at least one attribute of each game in a selected one of the plurality of different game categories (Fig. 4A, Para. 74, lines 7-10).

4. Therefore Heaton and Amada are analogous art because they teach online menu systems for gaming. It would have been obvious to one of ordinary skill in the art to combine Heaton and Amada because one would be motivated to provide players with more options in order to better attract service and retain players. All the claimed elements were known in the prior art and one skilled in the art could have provided a method for using a menu system with game

attributes by known methods with no change in their respective functions, and the combination would have yielded predictable results.

Regarding claims 44 and 57, Heaton further teaches at least one attribute displayed for each game in the selected one of the plurality of different game categories includes a name of the game (Fig. 3).

Regarding claims 45 and 58, Heaton further teaches additional game attributes displayed for any selected one of the games in the selected game category includes any one or more of a size of a jackpot that can be won on the selected game, a plurality of different parameters of the selected game, a graphical representation of a display of the selected game, and a game status (Fig. 3, paragraph 56).

Regarding claims 46, 47, 59, and 60, Heaton further teaches the game status is an active status when the selected game is ready for playing by the player, and an inactive status when the selected game is not ready for playing by the player and the selected game is ready for playing by the player when the selected game has previously been downloaded from a gaming server (Fig. 1, paragraphs 34 and 35, a game won't be ready to play until a game is downloaded unto the computing device such as a mobile phone).

Regarding claims 48 and 61, Heaton further teaches the display device displays the plurality of different game categories to the player as tabbed categories (Fig. 2).

Regarding claims 49 and 62, Heaton fails to teach the display device displays the at least one attribute of each game in any selected one of the tabbed game categories in tabular column format in a scrollable window.

However, Amada teaches a similar online gaming menu system as Heaton using lottery games. Amada teaches, the display device displays the at least one attribute of each game in any selected one of the tabbed game categories in tabular column format in a scrollable window (Fig. 4A, Para. 74, lines 7-10).

5. Therefore Heaton and Amada are analogous art because they teach online menu systems for gaming. It would have been obvious to one of ordinary skill in the art to combine Heaton and Amada because one would be motivated to provide players with more options in order to better attract service and retain players. All the claimed elements were known in the prior art and one skilled in the art could have provided a method for using a menu system with game attributes by known methods with no change in their respective functions, and the combination would have yielded predictable results.

Regarding claims 50 and 63, Heaton further teaches the display device displays simultaneously the additional game attributes for any selected one of the games in the selected one of the tabbed game categories in an adjacent non-scrollable window (Fig. 3).

Regarding claim 51, Heaton further teaches a categorization facility operable to categorize the number of available casino games playable by the player into the plurality of different game categories (Fig. 8, game type 802).

Regarding claims 52 and 64, Heaton further teaches the plurality of different game categories include games that are preferred by the player, games that are recommended by the online casino to the player for play, games that are new to the online casino, jackpot games offered by the online casino, table games offered by the online casino, video poker games offered by the online casino, and slots games offered by the online casino (Figs. 2 and 8).

Regarding claims 53 and 65, Heaton further teaches any one of the number of available casino games is categorizable into more than one different game category (Fig. 8, game type 802).

Regarding claims 55 and 67, Heaton further teaches the display device is operable to also display to the player the plurality of different game categories and the casino games in each category by means of a conventional fly-out menu (Fig. 8).

6. Claims 54, 66, 68, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heaton et al. (US 2003/0109310) in view of Amada (US 2006/0019736) in view of Walker et al. (US 2004/0005919).

Regarding claims 54 and 66, Heaton as modified by Amada teaches all the elements as previously claimed but fails to teach a category preferred by the player.

However, Walker teaches similar casino type games a Heaton using a method to manage features of games. Walker teaches, a category preferred by the player (Paragraphs 261 and 300).

7. Therefore Heaton as modified by Amada and Walker are analogous art because they teach casino style games with features to mange games. It would have been obvious to one of ordinary skill in the art to combine Heaton as modified by Amada and Walker because one would be motivated to have a preferred list of games to have a "favorite's list" of games to have easy and quicker access to said game. All the claimed elements were known in the prior art and one skilled in the art could have provided a method for having a preferred list of games by known methods with no change in their respective functions, and the combination would have yielded predictable results.

Regarding claims 68 and 69, Heaton as modified by Amada teaches categorizing casino games (Fig. 2) but fails to teach at least one of the available casino games is categorized into multiple categories of the plurality of different selectable game categories.

However, Walker teaches similar casino type games a Heaton using a method to manage features of games. Walker teaches, a category preferred by the player (Paragraphs 261 and 300, therefore a player could have a casino game categorized in casino games as well as in favorites).

8. Therefore Heaton as modified by Amada and Walker are analogous art because they teach casino style games with features to mange games. It would have been obvious to one of ordinary skill in the art to combine Heaton as modified by Amada and Walker because one would be motivated to have a preferred list of games to have a "favorite's list" of games to have easy and quicker access to said game. All the claimed elements were known in the prior

art and one skilled in the art could have provided a method for having a preferred list of games by known methods with no change in their respective functions, and the combination would have yielded predictable results.

Response to Arguments

9. Applicant's arguments filed 07/06/2009 have been fully considered but they are not persuasive.

Regarding claims 43 and 56, Applicant argues, "At a minimum, Heaton does not disclose or suggest the display device displaying to the player, simultaneously: an identity of each one of the plurality of different game categories, and at least one attribute of each game in a selected one of the plurality of different game categories, wherein multiple games are categorized into the selected one of the plurality of different game categories, as recited in claims 43 and 56."

Examiner respectfully disagrees. The examiner uses a secondary reference, Amada (US 2006/0019736), which teaches at least one attribute of each game in a selected one of the plurality of different game categories (Fig. 4A, Para. 74, lines 7-10).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited for disclosing related limitations of the applicant's claimed and disclosed invention: Heaton et al. (US 2003/0109310), Amada (US 2006/0019736), and Walker et al. (US 2004/0005919).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHASE LEICHLITER whose telephone number is (571)270-7109. The examiner can normally be reached on Monday through Friday 9am to 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571)272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. L./
Examiner, Art Unit 3714

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714